

Indiana Family Court Project 2007 Annual Report



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Family Court Steering Committee

Honorable Margret Robb, *Chair*
Indiana Court of Appeals

Lilia Judson
Executive Director
Division of State Court Administration

Dave Remondini
Chief Deputy Executive Director
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INDIANA FAMILY COURT PROJECT

History and Development of the Family Court Project

The Family Court Project was initiated in 1999 as a cooperative effort between the General Assembly and the Indiana Supreme Court. The purpose of the Project is to develop common sense models to better serve children and families in our courts. The initial emphasis of the Family Court Project was to develop models to coordinate families who have multiple cases pending before multiple judges.

Beginning in 2000, three pilot counties developed effective family court models under the administration of the Division of State Court Administration, with guidance from a statewide Family Court Task Force.

In 2002, Phase II of the Family Court Project was extended to six additional counties. Phase III began in 2004 with the selection of eight new family court counties. Phase IV began in January of 2006 with the addition of six new family court counties. Phase V added two new counties in 2008.

Indiana's Family Court Project is not just about models of court structure and programming; it is a concept for dealing with children and families in the court system. The family court concept is based on the significance of family in our culture and our legal system. It recognizes the unique stresses and safety issues in family litigation, the role of the family in affecting individual behavior, and the particularized need for timeliness and consistency in judicial rulings involving children. It acknowledges the need to involve the whole family in addressing delinquency, child endangerment, and other safety issues.

The family court concept maintains that case coordination is often needed to avoid uninformed, inconsistent or delayed rulings for families with multiple cases in the court system. Parties and attorneys are encouraged to fully disclose information about the family's legal cases in order to obtain a complete and long-lasting resolution to the family's situation. The concept promotes cooperation between the courts in referring, coordinating, and/or providing services to indigent and at-risk families.

The family court concept emphasizes a holistic and non-adversarial approach to problem solving. It involves an open, common sense, and helping approach to the resolution of legal issues affecting children and families, within the parameters of due process of the law.

Currently there are twenty-three family court counties. While all projects must include some type of judicial coordination of multiple case families, programming has expanded to include non-adversarial dispute resolution and other programming for high-risk, low-income, and/or pro se families. The original counties remain actively involved in the Project and continue to share ideas and mentor new pilot counties.

Family Court Project Rules

The Supreme Court issued four Family Court Rules in July 2000 for the exclusive use of the family courts. The Rules focus on coordination and information sharing for multiple cases involving the same family members and related issues. The Rules address jurisdiction, concurrent hearings, judicial notice, change of judge, and confidentiality. Each court selected for the family court project is authorized to designate, by a written Local Rule, that they adopt the Family Court Project Rules as a whole.

Definitions

Family Court. "Family Court" is the court or courts before which cases involving a family or household are linked together for purposes of case coordination. The individual cases maintain their separate integrity and separate docket number, but may be given a common family court designation. The individual cases may all be transferred to one judge, or may remain in the separate courts in which they were originally filed.

Family Court Proceeding. A "Family Court Proceeding" is comprised of the individual cases of the family or household which have been assigned to Family Court.

Rule 1: Exercise Of Jurisdiction

The Family Court may exercise jurisdiction over any case involving the family at the same time it exercises jurisdiction over a juvenile case (Child In Need of Services, Delinquency, Status, and Paternity) involving the family.

Rule 2: Concurrent Hearings

The Family Court may, in the court's discretion, set hearings on related cases to be heard concurrently, take evidence on the related cases at these hearings, and rule on the admissibility of evidence for each cause separately as needed to adequately preserve the record for appeal. This rule applies only when the cases are pending before the same judicial officer.

Rule 3: Designation of Family Court and Change of Judge for Cause

Once notice is sent to the parties that a case has been selected for Family Court, no motion for change of venue from the judge may be granted except to the extent permitted by Indiana Trial Rule 76.

Within ten (10) days after notice is sent that a case has been selected for Family Court, a party may object for cause to the Family Court designation.

A motion for change of venue from the judge in any matters arising in the Family Court proceeding or any future cases joined in the Family Court proceeding after the initial selection of cases, shall be granted only for cause.

If a special judge is appointed, all current and future cases in the Family Court proceeding may be assigned to the special judge.

Rule 4: Judicial Notice and Access to Records

Notice of Case Assignment. Within a reasonable time after a case is assigned to Family Court, the court shall provide to all parties in the Family Court proceeding a list of all cases that have been assigned to that Family Court proceeding.

Judicial Notice. Any court having jurisdiction over a case assigned to Family Court may take judicial notice of any relevant orders or Chronological Case Summary (CCS) entry issued by any Indiana Circuit, Superior, County, or Probate Court.

If a court takes judicial notice of:

- a. a court order, the court shall provide a copy of that court order; or
- b. a CCS or CCS entry(s), the court shall provide a copy of the entire CCS.

The court shall provide copies of the order or CCS to the parties to the case at or before the time judicial notice is taken.

Access to Records. Parties to a Family Court proceeding shall have access to all cases within the Family Court proceeding, with the exception of confidential cases or records to which they are not a party. Parties may seek access to the confidential cases or records in another case within the Family Court proceeding in which they are not a party, by written petition based on relevancy and need. Confidential records shall retain their confidential status and the Family Court shall direct that confidential records not be included in the public record of the proceedings.

Programming Options

Coordination of Multiple-Case Families. The core component of the Family Court Project is coordination of multiple cases involving the same family. Indiana's current judicial system often does not deal with the family as a whole. Instead, the legal problems of the family are separated and compartmentalized for judicial resolution, sometimes before two or three different judges. Take for example the family who enters the judicial system with a wide variety of problems:

The oldest child is in a youth shelter based on acts of delinquency related to substance abuse, father and mother are involved in a post-divorce visitation dispute and child support contempt proceeding, father is being sentenced for driving while intoxicated, mother recently obtained a protective order against father, the prosecutor has initiated a paternity proceeding against mother's live-in boyfriend regarding her youngest child, and the boyfriend's biological children are the subject of a Child In Need of Services (CHINS) neglect case.

Dealing with each of these matters as a separate and independent case may result in uninformed decision-making, conflicting orders, and fragmented service delivery. The safety of family members and children may be at risk.

Multiple-case coordination can take many forms. Some counties have chosen a One Judge-One Family model, in which all of a family's related cases are bundled together and heard by the same judge. Other counties may bundle multiple cases together for a limited time and return the cases to the original court upon resolution. Still other counties retain each case in the original court, but devise a system to share information among the courts in order to avoid inconsistent orders. The type of case coordination or information sharing each project uses depends on the structure and needs of that county's individual courts. Every family court project must screen for and provide some type of coordination and/or information sharing for multiple case families.

Affordable Alternative Dispute Resolution (ADR). Families can benefit from affordable services that enable them to resolve their own disputes with the assistance of a neutral professional, and to take increased responsibility and ownership in the result. ADR programming can take several forms, including (1) mediation, which uses a registered mediator to help parties resolve pending cases in accordance with the ADR Rules, and (2) facilitation, a more flexible model that uses a "neutral" to help parties reach resolution but which is not subject to the ADR Rules. Some counties are beginning to provide parenting coordination, which is used to help high conflict families devise and comply with parenting time plans. If a county does not have an existing ADR Plan under IC 33-23-6, the family court is encouraged to consider initiating one if it is consistent with the project's programming goals.

Service Referral and Service Coordination. Many families need assistance locating affordable services, such as counseling, substance abuse treatment, and supervised visitation, to name a few. This is particularly true for families in custody and domestic violence cases who are not eligible for services through the Department of Child Services or other community safety nets. Families with mental health or other chronic conditions need greater assistance to understand and comply with court orders essential to the safety of their children. Some family court projects use family

court personnel to refer families to necessary services. Depending upon the program and the party's needs, service referral may include a wide range of services, including an intake meeting with family members to discuss needs, explain orders, and help determine the type of needed service and available options or monitoring to ensure that court ordered services are obtained.

Assistance for Families Without Attorneys. Increasing numbers of self represented parties need assistance in filing appropriate pleadings and presenting needed documentation to the court in family law cases. Some counties have chosen to coordinate a volunteer self represented litigant help desk or legal clinic to answer basic legal questions and help self represented litigants obtain access to and complete basic pleading forms.

Other Programming. Other programming may include a family focus in special needs areas such as truancy, special services for children at risk of delinquency, or drug court programming which addresses the needs of adults and/or children in CHINS, divorce, or paternity cases.

Current Projects

Allen County Family Court Pilot Project

Judge Felts, Judge Pratt, Judge Sims

Programming: Information sharing and coordination between court for multiple case families and general communication between the courts on programming and processes; development and codification of local family law rules; alternative dispute resolution programming in paternity and for families with multiple cases pending in the courts; promoting cooperative/collaborative family law concepts in the bar and judiciary.

Clark County Family Court Project (New in 2008)

Judge Carmichael

Programming: Developing a coordinated approach to handling multiple case families. Families identified to have issues related to abuse will be served through a one-judge/one-family model. Parties who have been identified to have domestic violence issues will not be referred to mediation through the Court's existing ADR plan, and the Court will be mindful of safety issues when scheduling hearings. Families with no abuse issues will be served through a mediation-based information-sharing model.

Four- County Family Court Project: Bartholomew, Brown, Jackson, Lawrence

Judge Heimann, Judge Stewart, Judge MacTavish, Judge Robbins, Judge McCord, Magistrate Mollo

Programming: Facilitation in CHINS cases, affordable alternative dispute resolution programming for low-income families, identification of multiple-case families.

Henry County Family Court Project

Judge Willis, Judge Peyton

Programming: One-judge/one-family" multiple case coordination for high-risk families, affordable alternative dispute resolution programming for low-income families.

Johnson County Juvenile and Family Court Project

Judge Mark Loyd, Magistrate Clark

Programming: One-judge/one-family case coordination for multiple case families, service referral programming.

Lake County Family Court Project

Judge Arredondo, Judge Tavitas, Judge Bonaventura

Programming: Affordable alternative dispute resolution programming for low-income families, information sharing on multiple case families, court-based legal clinic for self represented litigants.

LaPorte County Family Court Project

Judge Alevizos, Magistrate Stalbrink

Programming: Case tracking and information sharing between multiple courts, judicial assistance, school programming, mediation/facilitation in CHINS and termination cases.

Marion County Family Court Project***Judge Moberly***

Programming: One-judge/one-family and information sharing case coordination programming, modest means/pro bono mediation for low-income families, parenting coordination plans and assistance (Access Program), service referral programming, Family Resource Room to open in 2008.

Monroe County Family Court Project***Judge Hill***

Programming: Paternity and divorce mediation for low-income families.

Owen County Family Court Project***Judge Nardi***

Programming: Mediation in divorce and paternity proceedings, utilizing registered mediator law students.

Porter County Family Court Project***Judge Harper***

Programming: Case tracking and information sharing between multiple courts, paternity and divorce mediation for low-income families, Access Center for family assessments and direct services to high-risk families, family-focused truancy programming, CHINS and delinquency facilitation, mental health diversion.

Putnam County Family Court Project***Judge Headley***

Programming: Facilitation in divorce, paternity, CHINS and termination cases, and in multiple case situations involving related criminal matters, protective order assistance program, help desk for self represented litigants.

Southern Counties Joint Family Court Project: Martin, Crawford, Pike, Orange***Judge Howell, Judge Lopp, Judge Biesterveld, Judge Cloud, Judge Blanton***

Programming: Utilizing the same contract persons to provide affordable intake, mediation, and administrative case management services in four rural counties for families who are low income and/or proceeding without legal counsel. Programming includes identification of family's other pending litigation in the court system.

St. Joseph Family Court Project***Judge Gotsch, Judge Chapleau, Judge Nemeth***

Programming: Transition existing Domestic Relations Counseling Bureau to include information sharing between courts and case tracking for families with multiple cases pending in the court system; implementation and coordination of ADR plan to provide affordable mediation in dissolution and paternity cases and specialized counseling for high-conflict families; referring families to court ordered services and monitoring receipt of services; developing family law local rules; promoting cooperative/collaborative divorce.

Tippecanoe County Multiple Family Court Projects

Judge Rush, Judge Daniel, Magistrate Graham

Programming: Affordable mediation for low-income families, identification of multiple case families, family focused drug treatment court for juveniles and their family members experiencing serious substance abuse problems.

Vanderburgh County Family Court Project (New in 2008)

Judge Lloyd

Programming: The Family Law Clinic for Self-Represented Litigants helps low-income people with certain types of family law or guardianship cases before a Vanderburgh County Court. Clinic participants must meet strict financial eligibility standards set by the federal government and not own substantial property. The Clinic helps in the selection and completion of certain Court forms and provides referrals as appropriate.

Vigo County Family Court Project

Judge Bolk, Magistrate Stagg

Programming: Affordable mediation for low-income families for contested post-judgment paternity custody/visitation/support issues.

Detailed information about the Family Court Project is available at the website at www.in.gov/judiciary/family-court/.

Family Court Values and Outcomes

From its beginning, the Indiana Family Court Project sought to identify current judicial practices throughout the state and the need for change, to agree on values and desired outcomes, and to develop model programs to meet the desired outcomes. The values and outcomes were drafted through the combined efforts of the Statewide Family Court Taskforce and the judges of the three pilot family courts. The results of statewide written surveys and focus groups were also considered.

The values and outcomes have been the source for subsequent evaluations of the family court projects. Since 2000, the values and outcomes have been slightly revised to reflect the current realities of the project counties. The current set of values and outcomes are listed below.

Value 1: JUDICIAL COORDINATION AND TIMELINESS

Outcome 1: Indiana Family Courts will avoid conflicting and redundant orders for families with multiple court cases.

Outcome 2: Indiana Family Courts will avoid re-litigation of the same issues in multiple courts.

Outcome 3: Indiana Family Courts will make informed and coordinated decisions for families with multiple cases pending in the court system through access to all court orders affecting the family.

Outcome 4: Indiana Family Courts will avoid unnecessary delays in the judicial process.

Value 2: INCREASED USE OF ALTERNATIVE DISPUTE RESOLUTION

Outcome 1: Indiana Family Courts will provide access to affordable mediation services, on a regional basis when appropriate.

Outcome 2: Indiana Family Courts will develop a culture of sharing information, mediating, and working cooperatively for long-term resolution of family law matters.

Value 3: COORDINATION OF COURT AND COMMUNITY SERVICES FOR CHILDREN AND FAMILIES

Outcome 1: Indiana Family Courts will coordinate with community service providers to provide access to affordable assessment and treatment services for high-needs families.

Outcome 2: Indiana Family Courts will monitor compliance with court ordered services by high-needs families, and will assist families to understand court orders and to utilize court ordered services.

Value 4: FAMILY FOCUS IN DELIVERY OF PROBATION AND PROBLEM SOLVING COURT SERVICES

Outcome 1: Indiana Family Courts will foster increased parental involvement and accountability in juvenile cases.

Outcome 2: Indiana Family Courts will use a holistic approach to probation and problem solving courts by offering/requiring services to the entire family.

Value 5: INCREASED EFFICIENCY AND EFFECTIVENESS FOR *PRO SE* FAMILIES

Outcome 1: Indiana Family Courts will promote increased legal accuracy and sufficiency in *pro se* family law filings through use of resources such as the Indiana Supreme Court's Self-Service Legal Center and through the provision of *pro se* educational information and/or document preparation assistance.

Outcome 2: Indiana Family Courts will help Judges avoid the pitfalls of practicing law and social work for *pro se* parties by collaborating with community resources that can provide legal and other needed assistance.

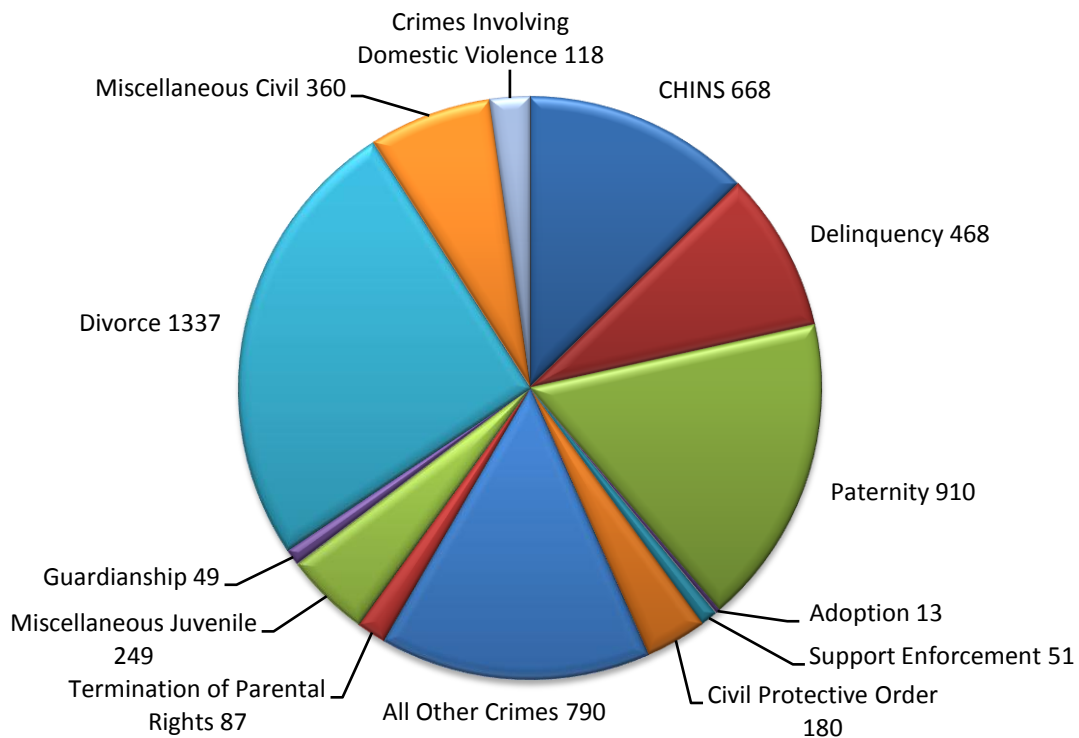
Annual Reports

Each year every county participating in the project must report the results of the project to the Division of State Court Administration. The charts on the following pages are compiled from those reports:

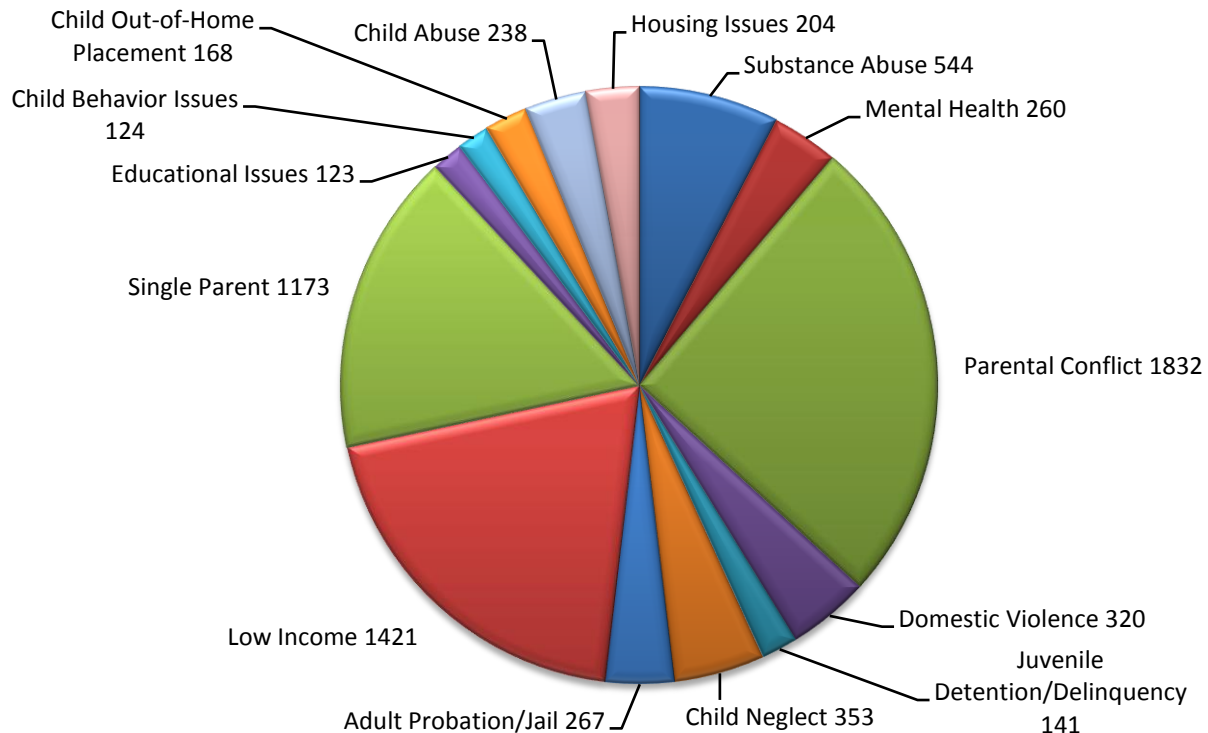
1. Case Types Accepted by Family Court Projects Statewide
2. At-Risk Factors Identified
3. Families Served by Each Type of Family Court Programming
4. Family Court Grant Funding vs. Other Funding Sources
5. Settlement Rates for Each Type of ADR Programming
6. Total Served by Each Project and Statewide

For more information about these programs, contact Loretta A. Oleksy, Family Court Project Manager, Division of State Court Administration, (317) 233-0784, loleksy@courts.state.in.us.

2007 Family Court Project CASE TYPES

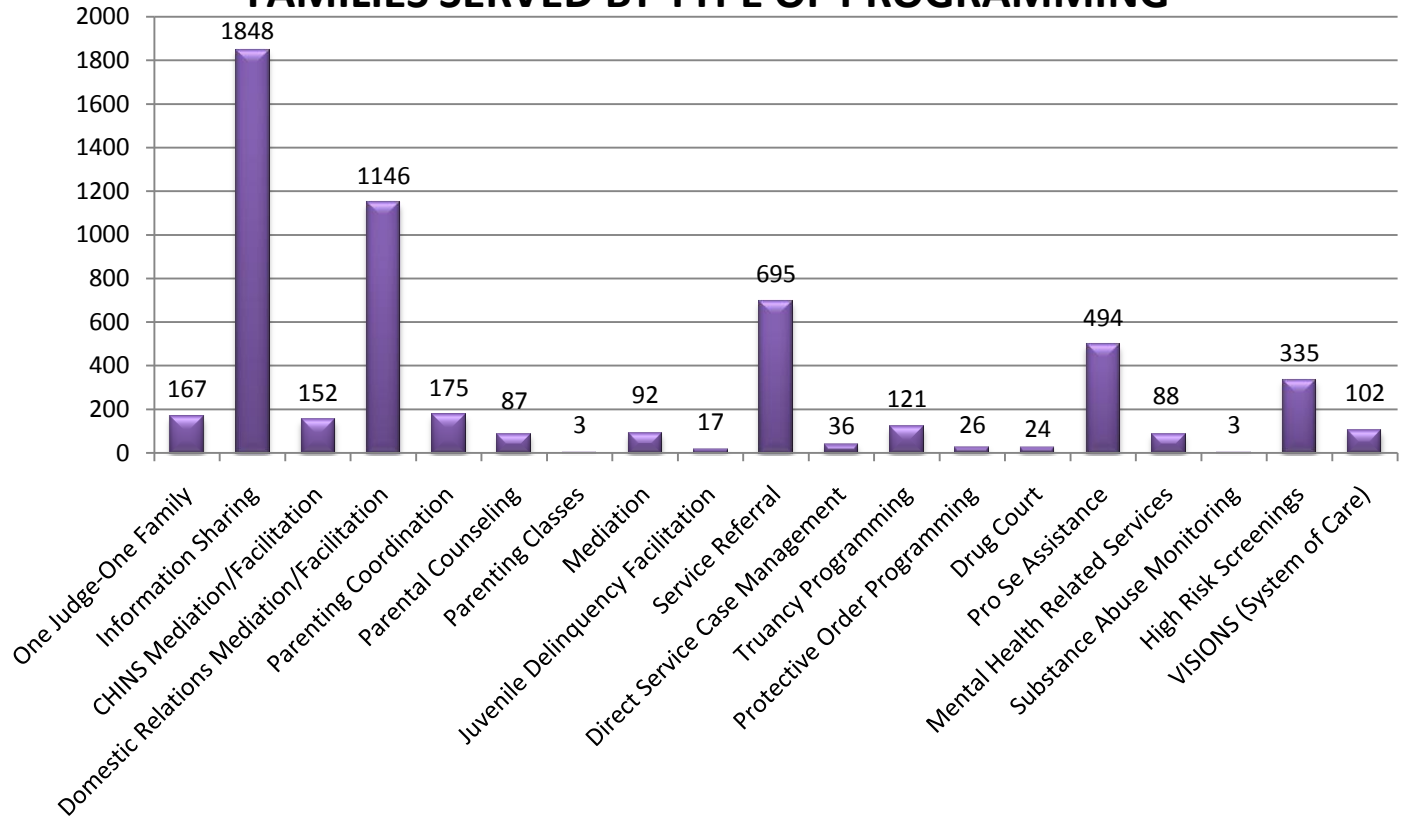


2007 Family Court Project AT RISK FACTORS IDENTIFIED



2007 Family Court Project

FAMILIES SERVED BY TYPE OF PROGRAMMING

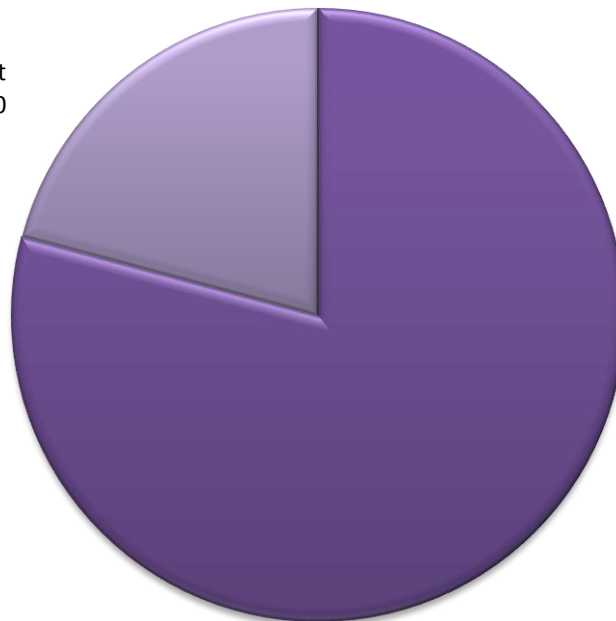


2007 Family Court Project:

STATEWIDE TOTALS

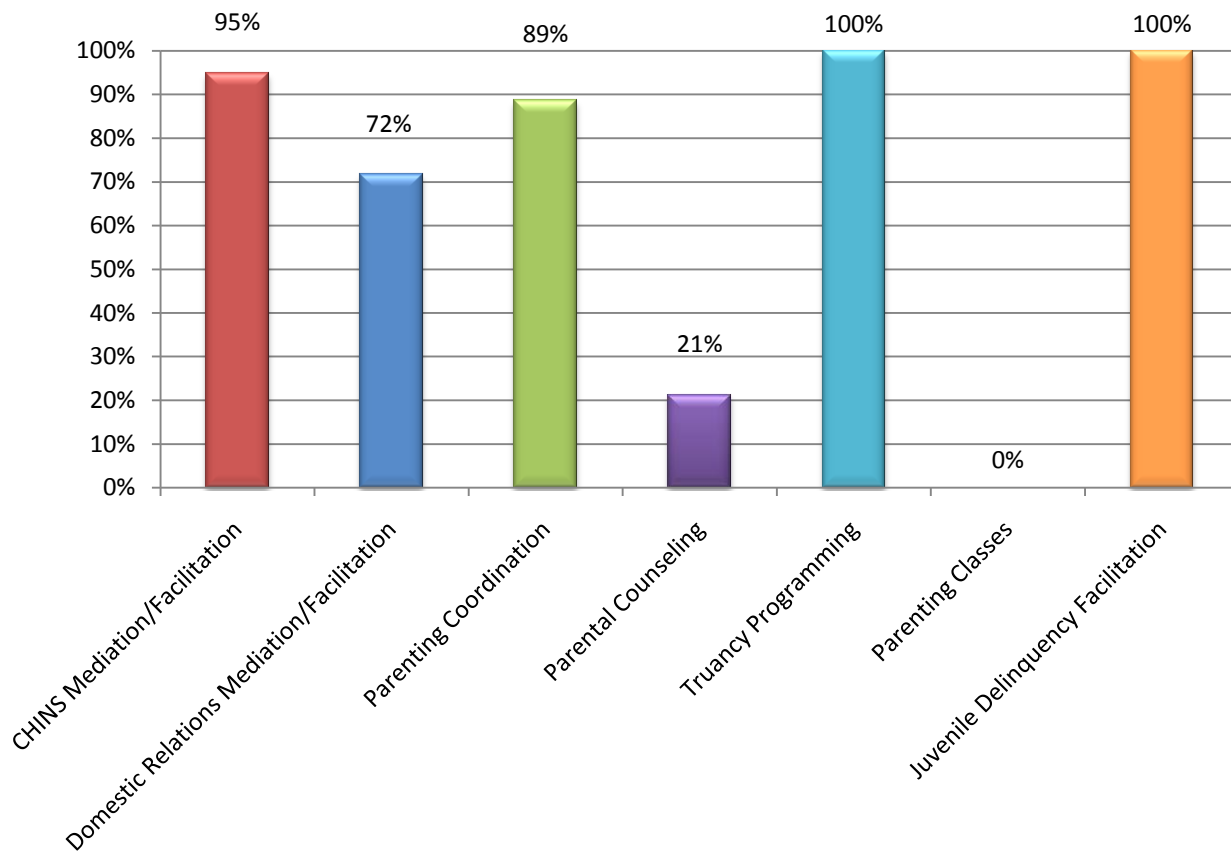
Family Court Grant Funds vs. Other Funding Sources

Family Court Grant
Funds \$185,100.00

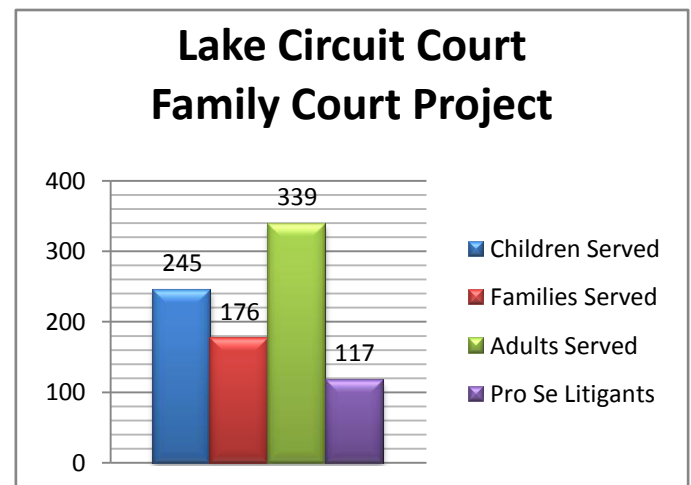
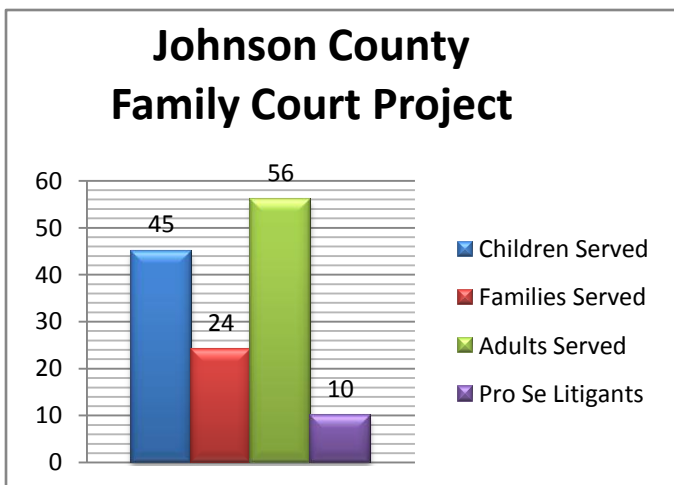
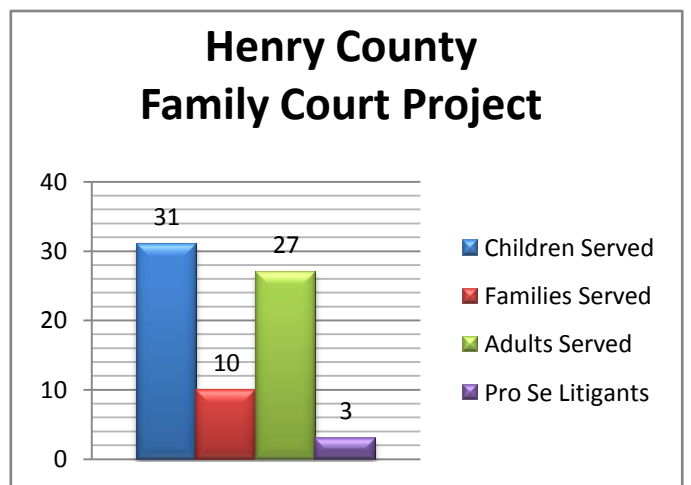
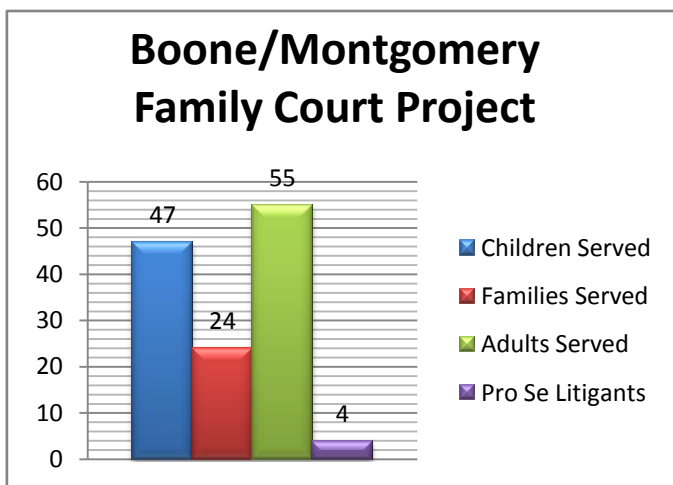
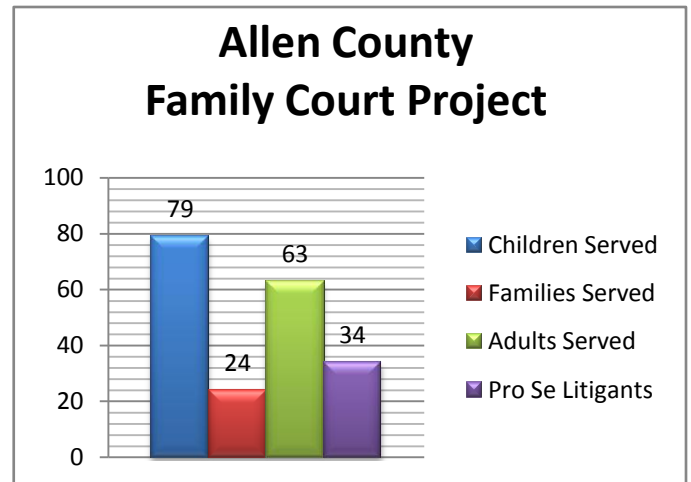
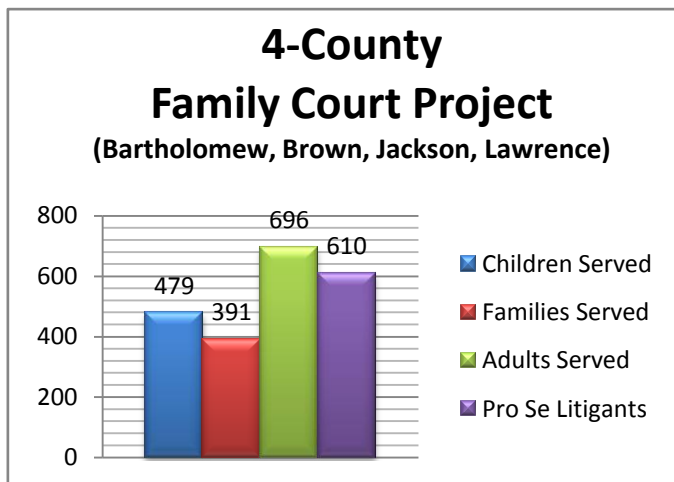


Other Funding Sources
\$702,346.00

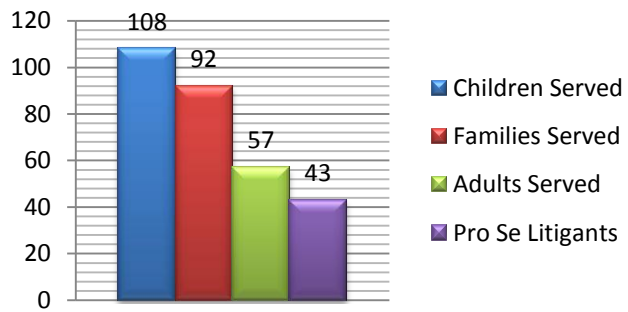
2007 Family Court Project SETTLEMENT RATES FOR ALL TYPES OF ADR PROGRAMMING



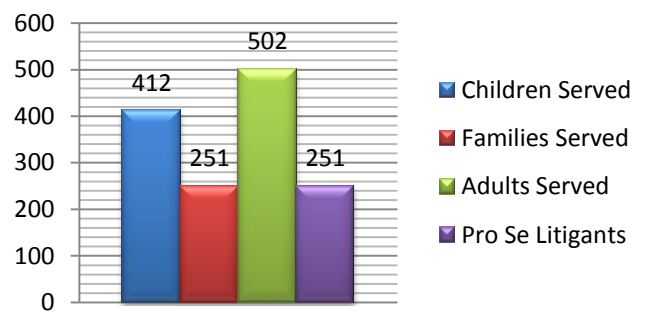
2007 Family Court Project – Total Served by Each Program



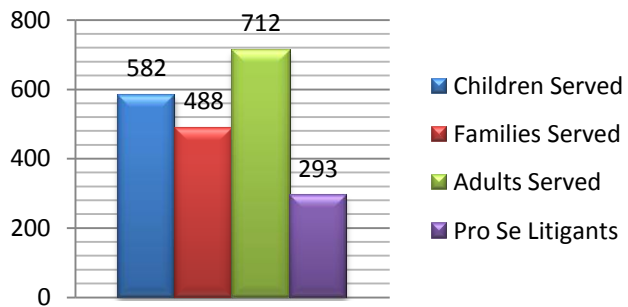
Lake Juvenile Court Family Court Project



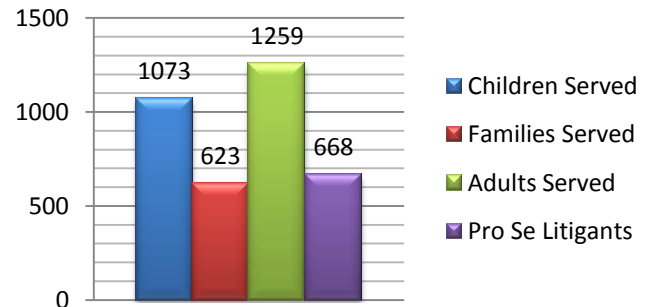
Lake Superior Court Family Court Project



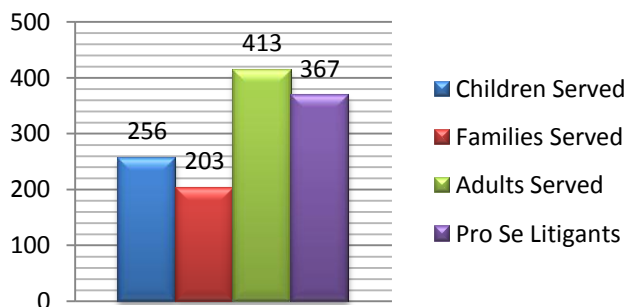
La Porte County Family Court Project



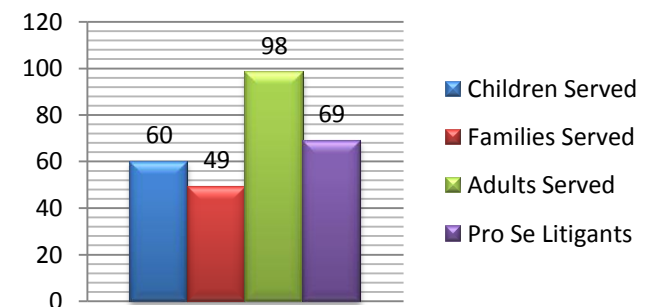
Marion County Family Court Project



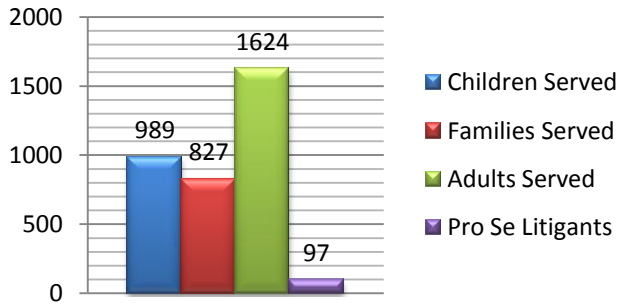
Monroe County Family Court Project



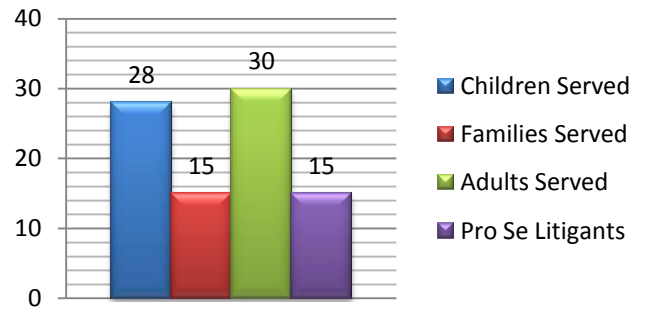
Owen County Family Court Project



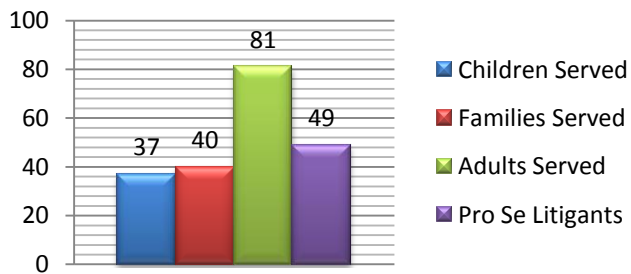
Porter County Family Court Project



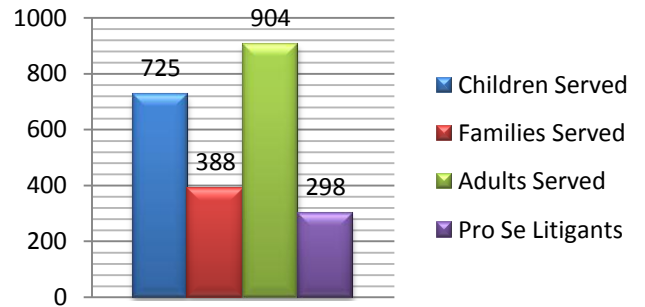
Putnam County Family Court Project



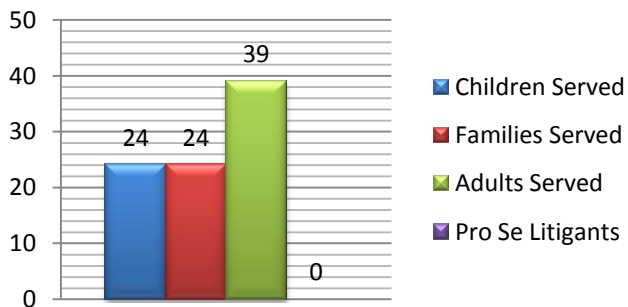
Southern Counties Joint Family Court Project (Crawford, Martin, Orange, Pike)



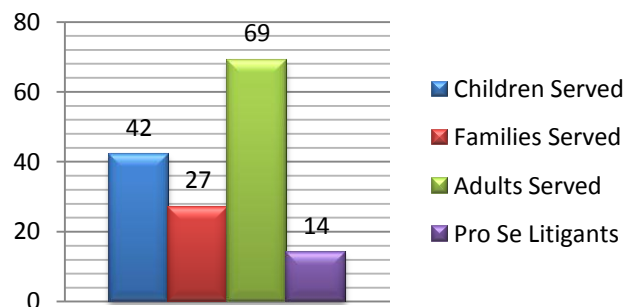
St. Joseph County Family Court Project



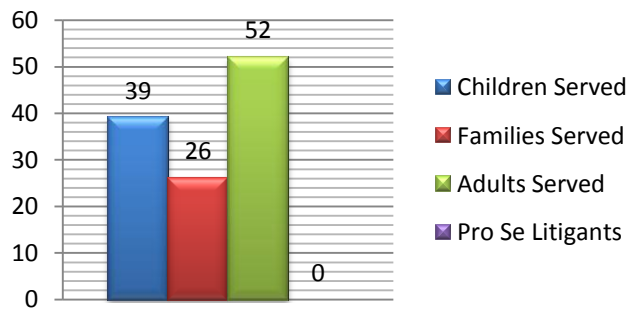
Tippecanoe County Juvenile Drug Court



Tippecanoe County Family Court Project



Vigo County Family Court Project



Statewide Total for All Family Court Projects

